

soldiers on the front line, both in Afghanistan and Iraq, and I thank the distinguished gentleman from North Carolina for his leadership in yielding, and I thank the proponent of this legislation.

I have the greatest respect for our families, and I offer to say that the decisions of the family to be able to be protected is utmost, and so there will be no disagreement on legislation of this kind. I rise to support it, as well as I raise with my colleagues the need for families to also be able to mourn with a fallen soldier ceremony or be able to have their loved ones come first to this soil at Dover Air Force Base. We hope to be able to allow that mourning in the manner that families desire and a public honoring as they may desire. Their fallen heroes deserve to be honored properly in their hometown and at Dover Air Force Base.

But as we pay tribute to those who have fallen, we want to nurture and support our families, provide them with the privacy that they desire and the respect.

At this moment, Mr. Speaker, I ask for, in the course of my debate on the floor today in support of H. Res. 731, a moment of silence and recognition of the three soldiers who lost their lives this past weekend, in particular at the checkpoint in Baghdad: David J. Babineau of Springfield, MA; Thomas Tucker of Oregon; and our own Kristian Menchaca, age 23, of Houston, TX, who grew up in a near northside neighborhood whose family now mourns his loss and the loss of others, recognizing that these brave young men, 25, 23, 25, are all heroes, and I ask for a moment of silence as we ask that they may rest in peace.

Mr. REYES. Mr. Speaker, I would like to thank Congressman JERRY MORAN for his leadership in introducing H. Res. 731, commending the Patriot Guard Riders for shielding mourning military families from protestors and preserving the memory of fallen service members at funerals.

I am proud to join in the bi-partisan support shown by the House of Representatives for this important legislation.

As you know, the main mission of the Patriot Guard Riders is to help maintain dignity and respect at the funerals of service members who have made the ultimate sacrifice for our country. They are invited as guests to block protestors through strictly legal and non-violent means. Like dedicated sentinels, the Patriot Guard Riders line the streets shielding the grieving family and community from any disruptive protestors.

I want to thank personally the Patriot Guard Riders for their nationwide commitment to this cause. The Patriot Guard Riders have paid homage to fallen heroes in my congressional district of El Paso, TX, making a positive impact on my community.

On April 12, 2006, the Patriot Guard Riders traveled to Clint, TX, for the funeral of Sergeant Israel Devora Garcia, who was also made a U.S. citizen at his funeral. Sergeant Garcia's friends and family were left to mourn his passing in peace, free from protest. More recently, on June 16, 2006, the Patriot Guard

Riders congregated at the funeral procession of Specialist Oliver Oropenza at Fort Bliss National Cemetery in El Paso, TX. They were welcomed by grieving friends and family who were able to honor SPC Oropenza free from disruptions.

You may recall that I was the primary Democratic sponsor of H.R. 5037, the Respect for America's Fallen Heroes Act, under which demonstrations are restricted within 150 feet of methods of ingress and egress from such cemetery property or within 300 feet of such cemetery in a manner that impedes the access to or egress from the cemetery. This bill guarantees the families and friends of fallen heroes the right to grieve in peace, while also protecting the freedom of speech. I am very proud that, with strong bi-partisan support this bill was passed by both chambers of Congress and signed into law by the President on Memorial Day 2006.

Mr. Speaker, I commend the Patriot Guard Riders, who have been physically present at the funerals of our fallen heroes since August 2005, to protect and guard the families and friends of the fallen from protest. I stand in strong support of their honorable mission, and I ask for all of my colleagues to join me in supporting H. Res. 731.

Mr. TERRY. Mr. Speaker, I rise in strong support of H. Res. 731 to commend the Patriot Guard Riders for their valiant efforts to shield mourning military families from protestors at the funeral services of their loved ones.

I recently had the honor and privilege to attend the funeral of Army Sergeant Lonnie Calvin Allen, Jr., who was killed along with three other servicemembers when a roadside bomb struck his Humvee in Baghdad. Over 500 people attended the standing-room-only service to honor the life of this brave young man.

The Nebraska Chapter of the Patriot Guard Riders—decked out in leather and holding American flags—lined the walkway into the church for the protection and peace of mind of friends and family members. I felt proud to be an American as I witnessed this unforgettable display of honor and respect for one of our fallen heroes. The personal dedication and commitment of the Patriot Guard Riders is an inspiring example of true American patriotism.

The Patriot Guard Riders also shielded the surviving family members of Army Captain Joel Cahill, who was on his second tour of duty in Iraq when he was killed late last year by an Improvised Explosive Device, IED, that struck his vehicle. As protestors held signs such as "God sent the IED," and "thank God for dead soldiers," Patriot Guard Riders outnumbered them by at least five to one on the other side of the street, shielding Capt. Cahill's wife and two young daughters. Captain Cahill's 59-year-old father also took action in his own style: he handed the protestors sheets of paper containing biblical verses such as "Dear friends, since God so loved us, we also ought to love one another."

Sgt. L.C. Allen and Capt. Joel Cahill were buried with full military honors in Arlington National Cemetery. Their valor and courage will stand the test of time, while the protestors dishonoring their noble sacrifices will fade into the annals of history.

I commend Nebraska State Captain Mike Smith and all the members of the Patriot Guard Riders, both in my State and nationwide. I join them in thanking the families of our

servicemembers who have made the ultimate sacrifice for freedom at home and abroad. I urge all of my colleagues to support this resolution to recognize the outstanding and selfless contributions of the Patriot Guard Riders—protectors of our fallen American heroes and their families.

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Mr. BUTTERFIELD. Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the resolution, H. Res. 731, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. DRAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4356) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The Clerk read as follows:

H.R. 4356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005".

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Disaster Relief Act of 1974, or an emergency declaration under section 501 of the Disaster Relief Act of 1974, or in connection with any procurement of property or services related to any emergency or disaster declaration as

a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned for not more than 30 years, or both.

“(b) The circumstance to which subsection (a) of this section refers is that—

“(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

“(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

“(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

“(c) In this section, the term ‘benefit’ means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, State or local government, or other entity.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting at the end the following new item:

“1039. Fraud in connection with major disaster or emergency benefits.”.

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: “occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency, or” after “If the violation”.

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: “occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency, or” after “If the violation”.

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) **IN GENERAL.**—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 5170 of title 42, United States Code, or an emergency declaration under section 5191 of title 42, United States Code; and

(2) submit to the Committees on the Judiciary of the United States Congress an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) **REQUIREMENTS.**—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) **EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.**—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of the enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. **SENSENBRENNER**) and the gentleman from Virginia (Mr. **SCOTT**) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4356 currently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **SENSENBRENNER**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4356, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005. Since Hurricanes Katrina and Rita last year, Congress has provided more than \$68 billion in relief to the region, including funding for human services like unemployment, housing assistance, and crisis counseling. In addition, charities like the Red Cross and the Salvation Army have contributed more than \$5 billion to relief efforts.

With such vast resources put into the pipeline so quickly, fraudsters and scam artists went into high gear in an effort to take advantage of these government programs as well as the generosity of the American people contributing to nongovernment organizations.

Earlier this month, the United States Government Accountability Office testified that the Federal Emergency Management Agency paid an estimated \$600 million to \$1.4 billion in improper and potentially fraudulent disaster assistance claims in the aftermath of Hurricanes Katrina and Rita.

GAO also reported examples of the types of disaster assistance crimes typically perpetrated on the American taxpayer. In one common scam, FEMA provided millions of dollars of rental assistance to cover a thousand individuals who used the names and Social Security numbers of prison inmates to obtain benefits.

In another instance, 750 debit cards, containing more than \$1.5 million in disaster assistance funds, were provided to individuals who were not actual victims of the storms. GAO determined that some of these funds were used to procure things like diamond jewelry, Caribbean vacations, professional football tickets, and divorce lawyer services. In another case, FEMA paid \$139,000 in fraudulent claims so that an individual who used 13 different Social Security numbers could obtain benefits.

To its credit, the Department of Justice has responded quickly to the problem. In September 2005, the Attorney General established a Hurricane Katrina Fraud Task Force, which includes DOJ, Homeland Security, Treasury, the FBI, Federal Trade Commission, and other Federal partners, as well as representatives of State and local law enforcement. Since its formation, 24 United States attorneys have charged 261 people in 218 cases with various criminal activities, and have obtained so far 44 guilty pleas or convictions.

Despite these efforts, it is clear the current criminal penalties are insufficient to deter disaster fraud. In March 2006 alone, DOJ announced 17 new indictments and four guilty pleas for Katrina- and Rita-related disaster fraud. In May of this year, the United States Attorney for the Middle District of Florida charged 26 people with similar acts of fraud.

To enhance Federal law enforcement's ability to combat and deter disaster fraud, this bill contains the following substantive provisions: first, the bill creates a new Federal crime to prohibit fraud in connection with any emergency or disaster relief, including Federal assistance or private charitable contributions, as long as the benefit was authorized or paid in interstate commerce, transported through the mail, or is anything of value to the United States. The penalty for engaging in such fraud is a fine or imprisonment of up to 30 years.

Second, the bill amends the Federal mail and wire fraud statute to add emergency or disaster benefits fraud to the 30-year maximum penalties in those statutes. Currently, the 30-year maximum is reserved only for cases involving fraud against financial institutions.

Finally, the bill directs the United States Sentencing Commission to review existing penalties for disaster assistance fraud, amend the sentencing guidelines as necessary, and report back to Judiciary Committees of Congress.

Mr. Speaker, I urge my colleagues to support this important antifraud and protaxpayer legislation.

I reserve the balance of my time.

Mr. **SCOTT** of Virginia. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4356, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005.

In the aftermath of Hurricane Katrina, we were all appalled to learn of the rampant schemes of fraudulent benefiting of government funding intended for victims of the disasters. While these crimes are now being prosecuted under existing fraud laws, I believe that the crime warrants specific and enhanced emphasis to put on notice those who would take criminal advantage of the government's need to focus on speed and comprehensive assistance in times of disasters and emergencies. This bill would establish the specific crime of fraud in connection with major disaster or emergency benefits and increases the penalties currently available for such acts.

Recognizing the particular egregiousness of fraud claims surrounding emergencies like Hurricane Katrina, the bill also directs the U.S. Sentencing Commission to increase penalties under the sentencing guidelines for those individuals who would fraudulently seek to benefit from funding intended for victims of natural disasters and Presidentially declared emergencies.

While I generally do not support specific directives to the Sentencing Commission to increase penalties for crimes, I believe this particular category of crime is egregious enough to warrant more punishment than fraud in general, with appropriate considerations for mitigating and aggravating circumstances.

Mr. Speaker, I am in favor, as we all are, of seeing increased benefits being made available for victims of disasters such as Hurricane Katrina. Many have lost everything and are now without a permanent home or compensation for their losses. Many are still not able to return to the area. Many still need ongoing assistance.

We can all agree that the limited disaster and emergency benefits that are made available to victims should only go to legitimate victims, not to scam artists or cheats who recognize that humanitarian concerns in the middle of a disaster require a waiver of traditional checks and balances in favor of speed and getting the relief to the suffering victims. Those who cheat and scheme at these times deserve more punishment.

Accordingly, I am supportive of this legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. McCAUL).

Mr. McCAUL of Texas. I thank the gentleman for his leadership on this, and, Mr. Speaker, I rise today in support of this important piece of legislation that will work to deter fraud in the wake of disasters like Hurricanes Katrina and Rita.

Disaster assistance fraud is something I have been fighting for quite some time now. I recently held a hearing in the Homeland Security Investigation Subcommittee to uncover the

findings of a 6-month fraud investigation by the GAO. What they found was nothing short of shocking.

The GAO testified before my subcommittee that FEMA disaster assistance after Hurricanes Katrina and Rita was applied for and received by criminals who used deceased individuals' identities, and even a cemetery as an address to receive the emergency funding. Federal investigators also testified that prisoners in jail before the hurricanes were able to receive almost \$11 million from their jail cells by fraudulently applying for the FEMA disaster assistance funds.

The total price tag for the fraud committed after Hurricanes Katrina and Rita is not yet known; but GAO investigators have testified that it will, at the very least, be in the billions of dollars. This is an insult to the victims of these natural disasters and an insult to the ultimate victim, the American taxpayer.

Through this investigation, we have referred over 7,000 fraud cases to the Department of Justice Task Force for prosecution, and this legislation will ensure that they receive the harshest penalty for their actions.

It saddens me to think about the gulf coast families that could have used this money to rebuild their homes and their lives. We need to make sure that these disaster victims and the American taxpayer are never robbed like this again. This legislation is a great first step in making that happen, and I strongly urge my colleagues to vote for the Emergency and Disaster Assistance Fraud Penalty Enhancement Act.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4356.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING AND PRAISING THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 367) honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

The Clerk read as follows:

H. CON. RES. 367

Whereas the National Society of the Sons of the American Revolution (in this resolution referred to as the "SAR") was founded on April 30, 1889, and chartered by Congress 100 years ago on June 9, 1906;

Whereas the Charter was signed by Theodore Roosevelt, himself a member of the SAR;

Whereas the SAR was conceived as a fraternal and civic society composed of lineal descendants of the men who wintered at Valley Forge, signed the Declaration of Independence, fought in the battles of the American Revolution, served in the Continental Congress, or otherwise supported the cause of American Independence;

Whereas 16 American Presidents have been proud members of the SAR;

Whereas the Charter of National Society of the Sons of the American Revolution describes the objects and purposes of the Society as "... patriotic, historical and educational" and that it is charged with perpetuating the memory of the men who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American people;

Whereas the Society is also dedicated to inspiring its members and the community at large with a more profound reference for the principles of the Government founded by our forefathers and to encourage historical research about the American Revolution;

Whereas the SAR has a long record of accomplishments in teaching about the Revolutionary War and those who gained our freedom during the War for Independence;

Whereas it is largely through efforts by the SAR in the late 1800s and early 1900s that the National Archives were established to gather the records of the men who fought and provided services during the Revolutionary War;

Whereas the SAR advances its mission through commemorations of battles and events that led to our freedom;

Whereas the SAR devotes a great deal of its time, energy, and resources to working with children so that they might have a better understanding of the history of the United States;

Whereas the SAR is currently working to establish a Center for Advancing America's Heritage adjacent to its national headquarters in Louisville, Kentucky; and

Whereas the SAR's almost 27,000 members are organized in Chapters throughout the 50 States and the District of Columbia and in several countries overseas that helped the American Colonies gain their freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 100th anniversary of the historic Congressional Charter of the National Society of the Sons of the American Revolution; and

(2) honors and praises the National Society of the Sons of the American Revolution on the occasion of its anniversary for its work to perpetuate and honor the memory of the brave men who fought to gain our freedom during the Revolutionary War and for the Society's unfailing devotion to our Nation's youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 367 currently under consideration.